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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,300	03/21/2001	Binnur Al-Kazily	10004461-1	4819

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HEWLETT-PACKARD COMPANY
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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,300

Applicant(s)

AL-KAZILY ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to communication received on 27 September 2006. Applicant has filed declaration under 37 CFR 1.131 that they conceived their invention on 18 May 2000 which is earlier than the claimed invention date of Anderson US Publication 2002/0087622.

Election/Restrictions

Applicant's election without traverse of claims 1 – 10 in the reply filed on 25 July 2005 is acknowledged.

Response to Arguments

Applicant's arguments and concerns to amended claims 1 - 10 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that reliability of PhotoAccess disclosure is in question. In the cited reference on pages 6, 7, 10, 12, 13, 15 and 17 recite PhotoAccess was founded in 1998. New items starting page 5 of the cited references are all dated later than the news items on page 1 and 3. For this reason, examiner

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reads PhotoAccess was founded in 1998. Release date of the news items in the cited references are prior to the claimed priority date of the applicant's invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are for example:

There is no claimed capability for images stored on the web-enabled imaging device.

There is no claimed capability that the images from the web enabled imaging device is communicated to the on-line imaging service site.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over a PR Newswire “New Company Leverages Windows CE To Enable Next Generation Of Digital Cameras; Cameras To Connect Directly To The Internet” hereinafter known as PhotoAccess1 in view of another PR Newswire “Photo Access Corp. Secures \$5.5 Million in New Capital Funding” hereinafter known as PhotoAccess2.

Regarding claim 1, PhotoAccess1 teaches idea of and an on-line system for providing imaging services (Now with the Photo Access solution, the camera can be connected directly to a printer or to the Internet. Images can be e-mailed, printed, and archived on the web, all from within the camera. With Windows CE, a friendly graphical interface and PC functionality can be put right inside the camera, making it a stand-alone Internet device).

PhotoAccess does not explicitly teach web enabled imaging device to include user profile. However, PhotoAccess2 teaches idea of enabling consumers to order photo prints and other items directly from their digital camera via the Internet. It is old and known in the art that connection with internet requires user profile to make connection. For example, setup of direct dial setup from a Windows 98 (commercially available at the time of invention) for allowing user to connect to the internet without the data entry of dial connection from the user. PhotoAccess1 teaches using Windows operating system.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that teachings of PhotoAccess1 in view of PhotoAccess2 have the capability of storing user profile.

PhotoAccess1 in view PhotoAccess teaches concept of:

client-ware running on a web-enabled imaging device for submitting requests for imaging services available on an on-line imaging services site (Images can be e-mailed, printed, and archived on the web) and communicating said requests for imaging services directly to the on-line imaging services site (enables consumers to order photo prints and other items directly from their digital camera via the Internet).

Regarding claim 2, PhotoAccess1 in view PhotoAccess teaches capability for information contained in the user profile to include identifying information (applicant is claiming content of data as their claimed invention).

Regarding claim 3, PhotoAccess1 in view PhotoAccess teaches capability for information contained in the user profile further to include preferences for the available services (applicant is claiming content of data as their claimed invention).

Regarding claim 4, PhotoAccess1 in view PhotoAccess teaches services on-line imaging site includes server-ware for servicing the requests submitted by the client-ware for imaging services (inherent that service providers has web servers to support their clients).

Regarding claim 5, PhotoAccess1 in view PhotoAccess teaches capability for server-ware services a request submitted by the client-ware based on information included in the user profile (inherent, service provider will provide only the services which the user has requested).

Regarding claim 6, PhotoAccess1 in view PhotoAccess teaches capability for client-ware to transfer one or more images to the server-ware.

Regarding claim 7, PhotoAccess1 in view PhotoAccess teaches capability wherein client-ware submits a request for images to be published on-line in accordance with information contained in the user profile (inherent, service provider will provide only the services which the user has requested).

Regarding claim 8, PhotoAccess1 in view PhotoAccess teaches capability wherein client-ware submits a request for said one or more images to be printed in accordance with information contained in the user profile.

Regarding claim 9, PhotoAccess1 in view PhotoAccess teaches capability wherein client-ware submits a request for said one or more images to be electronically forwarded to one or more recipients in accordance with information contained in the user profile.

Regarding claim 10, PhotoAccess1 in view PhotoAccess teaches capability wherein user profile is partly stored on the on-line imaging services site (it is inherent that Anderson uses data on its server to authenticating the client device).

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
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December 7, 2006